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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/569,718

02/24/2006

Paul Ullmann

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

P.O. BOX 3001

BRIARCLIFF MANOR, NY 10510

EXAMINER

HUYNH, NAM TRUNG

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

06/27/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/569,718	Applicant(s) ULLMANN, PAUL	
	Examiner NAM HUYNH	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/16/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 4/16/2007 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-5 and 8-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Connor (US 2004/0203353).

Regarding claim 1, Connor teaches a remote control device (paragraph 13, control unit) for remotely controlling a playback device (appliance), which playback device is designed for the acoustic playback of audio signals, and which playback device is designed to receive, in a wireless manner, volume- influencing signals emitted

by the remote control device, and to control the volume of the playback of the audio signals in accordance with the received volume-influencing signals (paragraph 19), wherein the remote control device comprises a detector for detecting mobile-phone (paragraph 13, communication device) radio signals that can be generated with a mobile phone (determination of whether an incoming call is received or an outgoing call is initiated), and wherein on detecting the mobile-phone radio signals, the remote control device is designed to emit to the playback device, in a wireless manner, a volume- influencing signal (silence request signal) with which the volume of the playback of the audio signals by the playback device can be influenced (paragraph 19).

Regarding claims 2 and 13, Connor teaches the detector is designed to detect the identifier that is transmitted to the base station by the mobile phone in reaction to incoming calls and is contained in the mobile-phone radio signals (paragraphs 13, 19).

Regarding claims 3 and 14, Connor teaches the detector is designed to distinguish between an identifier relating to the reception of data messages and an identifier relating to the reception of spoken messages (paragraph 13).

Regarding claim 4, Connor teaches the detector is designed to ignore short signal pulses from the mobile phone, with which it regularly reports to the base station (paragraphs 13, 19).

Regarding claim 5, Connor teaches the volume-influencing signal represents a muting signal, a volume-reducing signal, a fading signal or a pause or stop signal to interrupt the playback of a data carrier in the playback device (paragraph 19).

Regarding claim 8 Connor teaches the range of the detector for reception of the mobile-phone radio signals from a mobile phone is restricted to less than 3 m, preferably less than 1.5 m (paragraph 16).

Regarding claim 9, Connor teaches 9 the remote control device is designed as an infrared or ultrasonic remote control device (paragraph 16).

Regarding claim 10, Connor teaches an audio-signal playback system with a remote control device with a playback device, which playback device is designed for the acoustic playback of audio signals, and which playback device is designed to receive, in a wireless manner, volume-influencing signals emitted by the remote control device, and to control the volume of the playback of the audio signals in accordance with the received volume-influencing signals (paragraphs 2, 17, 19).

Regarding claim 11, Connor teaches the playback device is designed as a television set or stereo system (paragraph 17).

Regarding claim 12, the limitations are rejected as applied to claim 1.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Connor (US 2004/0203353) in view of August et al. (US 5,671,267) (hereinafter August).

Regarding claim 6, Connor teaches the limitations recited in claim 1, but does not explicitly teach that the remote control device is a separate device from the mobile phone wherein the remote control device is designed as a mounting for one or more mobile phones. August discloses an interactive system for communications between a cordless telephone and a remotely operated device (title). August teaches a remote control device that is designed as a mounting for one or more mobile phones (figure 1, item 20). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Connor to separate the control unit from the communications device and allow it to mount the mobile phone, as taught by August, in order to add flexibility to the invention by allowing a user to manually configure settings of the remote control and to charge the mobile phone.

Regarding claim 7, August teaches the remote control device comprises a charging device for a mobile phone (figure 1, item 20).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Grundvig et al. (US 6,061,435)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NAM HUYNH whose telephone number is (571)272-5970. The examiner can normally be reached on 8 a.m.-5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

NTH
6/20/08